

3.48 COUNTY DISTRIBUTION OF TICKETS OR PASSES (Adopted 10-6-09; Amended 4-5-11)

This policy establishes a procedure for the distribution, use and reporting of tickets or passes, provided to the County, to a facility, event, show or performance for an entertainment, amusement, recreational or similar purpose (hereinafter the "Event") in compliance with section 18944.1 of the California Code of Regulations (hereinafter "FPPC Regulation"¹). FPPC Regulation 18944.1 lays out circumstances when a public agency's distribution of tickets or passes, when no consideration of equal or greater value is provided by the public official or employee, does not result in a gift to the public official or employee. Tickets or passes to an Event distributed and accounted for in compliance with this policy and FPPC Regulation 18944.1 will not be considered gifts to the County officials or employees who make use of donated tickets and passes.

The public purpose in distributing tickets and passes to Events, which is described in more detail in Section 3.48.3, is to promote County resources, programs and facilities, to monitor and evaluate County venues and County-sponsored events, and to promote cultural, recreational and educational facilities, services and programs available to the public within the County.

This policy is subject to all applicable FPPC Regulations and the Political Reform Act. Nothing in this policy is intended to alter, amend or otherwise affect the obligations of County officials and employees under the Political Reform Act and its implementing regulations or under any County policy or conflict of interest code.

3.48.1 Definitions

"Ticket Administrator" means the County Executive or his/her designee(s) for County departments, agencies, and boards and commissions, and for elected County officials, the elected County officials' staff designee. The Ticket Administrator has sole discretion to determine who shall receive the tickets.

"County official" means every member, officer, employee or consultant of the County of Santa Clara, as defined in Government Code Section 82048 and FPPC Regulation 18701. Such term shall include, without limitation, any County board or commission member or other appointed or elected official or employee required to file an annual Statement of Economic Interests (FPPC Form 700).

"Face value" means the price indicated on the ticket, or if no price is indicated, the price at which the ticket or similar pass would otherwise be offered for sale to the general public by the operator of the venue or host of the event who offers the ticket for public sale.

1. The FPPC Regulations can be found in Title 2 of the California Code of Regulations.

"Immediate Family" means spouse and dependent children.

"Ticket" means "ticket or pass" as that term is defined in FPPC Regulation 18944.1, as amended from time to time, but which currently defines "ticket or pass" as admission to a facility, event, show, or performance for entertainment.

3.48.2 Applicability

This policy applies to tickets that are: (i) gratuitously provided to the County by an outside source; (ii) purchased by the County; (iii) received by the County pursuant to the terms of a contract for use of public property or because the County controls the event; or, (iv) received and distributed by the County in any other manner.

3.48.3 Public Purpose

Any distribution of tickets in accordance with this policy to a County official, or to an individual or organization outside the County at the behest of a County official, must be in furtherance of a public purpose and be reported as provided in this policy. Public purposes under this policy include, but are not limited to, the following:

- (A) Facilitating the attendance of a County official at an event where the job duties of the County official require his or her attendance at the event.
- (B) Promotion of intergovernmental relations and/or cooperation and coordination of resources with other governmental agencies, including, but not limited to, attendance at an event with or by elected or appointed public officials from other jurisdictions, their staff members and their guests.
- (C) Official welcoming of visiting foreign officials and dignitaries.
- (D) Promotion of County resources and/or facilities available to the public.
- (E) Promotion of County-run, sponsored or supported community programs or events.
- (F) Increasing public exposure to, and awareness of, the various recreational, cultural, and educational venues and facilities available to the public within the County.
- (G) Promoting, supporting and/or showing appreciation for programs or services rendered by charitable and non-profit organizations benefiting County residents.
- (H) Attracting or rewarding volunteer service.
- (I) Attracting and retaining highly qualified employees in County service; recognizing or rewarding meritorious service by a County employee; and/or promoting enhanced County employee performance or morale.

**Agency Report of:
Ceremonial Role Events and
Ticket/Admission Distributions**

A Public Document

1. Agency Name		Date Stamp	California Form 802 For Official Use Only
Division, Department, or Region (if applicable)			
Street Address			
Designated Agency Contact (Name, Title)		<input type="checkbox"/> Amendment (Must provide explanation in Part 3.)	Date of Original Filing: _____ (month day, year)
Area Code/Phone Number	E-mail		

2. Function, Event, or Ceremonial Role Information

Title _____ Face Value of Each Admission \$ _____

Description _____ Date(s) ____/____/____

Ticket(s)/Admission(s) provided by agency? Yes ☐ No ☐ If no: _____
Name of Source _____

Was the distribution to persons identified below made at the behest of an agency official?

Yes ☐ No ☐ If yes: _____
Official's Name (Last, First) and Title

The identity of recipient(s) and the explanation:

Name (Last, First) or Organization (Name, Address, Description)	Number of Admission(s)/ Ticket(s)	Agency Official	<ul style="list-style-type: none"> • Check the income box if the agency official claims admission as taxable income. If the agency official performs a ceremonial role, also provide a description. • If not income, describe the public purpose, including ceremonial roles, performed by an agency official, individual, or organization. 	
		Yes <input type="checkbox"/> No <input type="checkbox"/>		Income <input type="checkbox"/>
		Yes <input type="checkbox"/> No <input type="checkbox"/>		Income <input type="checkbox"/>
		Yes <input type="checkbox"/> No <input type="checkbox"/>		Income <input type="checkbox"/>
		Yes <input type="checkbox"/> No <input type="checkbox"/>		Income <input type="checkbox"/>
		Yes <input type="checkbox"/> No <input type="checkbox"/>		Income <input type="checkbox"/>

3. Verification

I have read and understand FPPC Regulations 189441 and 18942. I have verified that the distribution of admissions, set forth above, is in accordance with the provisions.

Signature of Agency Head or Designee	Pint Name	Title	(month, day, year)
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Comment: (Use this space or an attachment for any additional information including amendment explanation.)

FPPC Form 802 (2/11)
FPPC Toll-Free Helpline: 866/ASKFPPC (866/275-3772)

3.48.4 Exemptions to Policy

**Agency Report of:
Ceremonial Role Events and
Ticket/Admission Distributions**

**California 802
Form**

A Public Document

This form is for use by all state and local government agencies. The form identifies persons that receive admission tickets and passes and describes the public purpose for the distribution. This form was prepared by the Fair Political Practices Commission (FPPC) and is available at www.fppc.ca.gov.

General Information

FPPC Regulation 18944.1 sets out the circumstances under which an agency's distribution of tickets to entertainment events, sporting events and like occasions would not result in a gift to individuals that attend the function. In general, the agency must adopt a policy which identifies the public purpose served in distributing the admissions and then must post the policy on the agency's website. The Form 802 serves to detail each event and the public purpose of each agency distribution. FPPC Regulation 18942 lists exceptions to reportable gifts, including ceremonial events, when listed on this form.

When the regulation procedures are followed, persons who receive admissions are listed on a Form 802. Agency officials do not report the admissions on the official's Statement of Economic Interests, Form 700, and the value of the admission is not subject to the gift limit.

The Form 802 also informs the public as to whether the admissions were made at the behest of an agency official and whether the behested tickets were provided to an organization or specific individuals.

Website Posting

The Form 802 must be posted on the agency's website within 30 days after the distribution. If the agency does not maintain a website, the form must be maintained by the agency as a public record, be available for public inspection and copying, and be forwarded to the FPPC for posting on its website.

Privacy Information Notice

Information requested by the FPPC is required by and used to administer and enforce the Political Reform Act. Failure to provide information may be a violation subject to administrative, criminal, or civil penalties. All reports and statements are public records available for inspection and reproduction. If you have any questions regarding this notice, please contact the FPPC General Counsel at Fair Political Practices Commission 428 J Street, Suite 520 Sacramento, CA 95814 (916) 322-5660.

Instructions

Part 1 Agency Identification:

List the agency's name and street address. Provide a designated agency contact person, their phone number, and e-mail address. Mark the amendment box if changing any information on a previously filed form and include the date of the original filing.

Part 2 Function, Event, or Ceremonial Role Information:

Provide the title of the event, the face value (i.e., the cost to the public) of each admission, a brief description of the event, and the date(s) of the event. Check the box indicating whether the tickets or admissions were provided by the agency. If the answer is no, identify the outside source.

Check the box indicating whether the distribution was made at the behest of an agency official. If the answer is yes, provide the full name and title of the agency official.

In the table, Column 1, identify the recipient of the distributed admissions. The full name is required for individuals. If admission is provided to an organization, individual names are not required but the organization's name, address, and brief description must be identified.

In the table, Column 2, disclose the total number of tickets/admissions distributed.

In the table, Column 3, check the box indicating whether the recipient was an agency official.

In the table, Column 4, if an agency official claims admission as taxable income, mark the income box. A description of a ceremonial role conducted by an agency official must be identified even if the official will claim the ticket as income. Alternatively, provide the public purpose for the distribution that is associated with the agency's policy that is posted on the agency's website.

Part 3 Verification:

The agency head or a designee must sign this form acknowledging that he or she has read, understands, and verifies compliance with FPPC Regulations 18944.1 and 18942.

FPPC Form 802 (2/11)
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The County official treats the tickets as income consistent with federal and state income tax laws and the County reports distribution of the tickets or passes as income to the County official on the FPPC Form 802.

(B) Reimbursement.

The County official reimburses the County for the face value of the tickets within thirty (30) days of receipt or acceptance of the tickets, as defined in the Political Reform Act.

3.48.5 Procedures for Distribution and Reporting

(A) Distribution.

- (1) Tickets that are donated or provided by an outside source and are earmarked for use by a specific County official by that source are considered gifts to the County official and are subject to the disclosure and reporting requirements applicable to gifts, unless one of the exemptions listed in Section 3.48.4 applies.
- (2) Tickets received by the County from an outside source without designation as to the specific County official who may use the tickets shall be forwarded to the Ticket Administrator. The Ticket Administrator shall determine the face value of the tickets or passes, the individuals who may use them, and report their distribution as provided in Section 3.48.5(B) below.
- (3) A County official may request use of tickets, or for distribution to an individual or organization outside the County, by completing Parts 3 and 4 of FPPC Form 802 and submitting the request to the Ticket Administrator.

(B) Reporting Requirement.

Tickets distributed by the County to a County official, or to an individual or organization outside the County at the behest of a County official, pursuant to this policy, or to a County official for admission to an event at which he/she will perform a ceremonial role or function on behalf of the County, shall be documented in a completed FPPC Form 802 (see Attachment "A") or such other form(s) as the FPPC may designate. The completed Form 802 shall be filed with the Clerk of the Board and posted on the County's website in a prominent fashion within 30 days after distribution of the tickets.

(C) Transfer Prohibition.

A County official who receives tickets or passes distributed by the County according to this policy is prohibited from transferring or giving the tickets or passes to any other person except to members of the County official's immediate family for their personal use. No person receiving a ticket or pass pursuant to this policy shall sell or receive reimbursement for the value of the ticket or pass.

(D) Policy Limited to Tickets or Passes.

If other benefits, such as food, beverages or other items, are provided to the County official at the Event and they are not included as part of the admission to the Event, those benefits are not covered by this policy.

(E) Retention of Form 802.

Form 802's posted to the County's website must be maintained on the County's website for a period of not less than four years. The original Form 802 must be retained by the Clerk of the Board for a period of not less than seven years.

Attachment A: FPPC Form 802 (Feb/11) *(Current Form Available on the FPPC website at www.fppc.ca.gov or toll-free helpline: 866-275-3772)*

